

THE AUSTRALIAN SENATE

An Introduction

Issued by authority of the President of the Senate, Senator the Honourable Justin O'Byrne



Opening of Parliament—9 July 1974

THE SENATE

President: SENATOR THE HON. JUSTIN O'BYRNE (A.L.P.)

Chairman of Committees: SENATOR J. J. WEBSTER (C.P.)

OFFICERS OF THE SENATE

<i>Clerk of the Senate</i> ..	..	J. R. ODGERS, C.B.E.
<i>Deputy-Clerk</i> ..	..	R. E. BULLOCK, O.B.E.
<i>First Clerk-Assistant</i> ..	..	K. O. BRADSHAW
<i>Clerk-Assistant</i> ..	..	A. R. CUMMING THOM
<i>Principal Parliamentary Officer</i>		H. C. NICHOLLS
<i>Usher of the Black Rod</i> ..	..	H. G. SMITH

3 June 1975

KEY TO SEATING PLAN

<i>Seat</i> <i>No. Senator</i>	<i>State</i>	<i>Party</i>	<i>Seat</i> <i>No. Senator</i>	<i>State</i>	<i>Party</i>
1 Wriedt, Hon. K. S.	Tas.	A.L.P.	36 Drake-Brockman, Hon. T. C., D.F.C.	W.A.	C.P.
2 Willesee, Hon. D. R.	W.A.	A.L.P.	37 Lawrie, A. G. E.	Qld	C.P.
3 McClelland, Hon. D.	N.S.W.	A.L.P.	38 Scott, D. B.	N.S.W.	C.P.
4 Wheeldon, Hon. J. M.	W.A.	A.L.P.	39 Sheil, G.	Qld	C.P.
5 Bishop, Hon. R.	S.A.	A.L.P.	40 Maunsell, C. R.	Qld	C.P.
6 Poyser, A. G.	Vic.	A.L.P.	41 Townley, M.	Tas.	L.P.
7			42 Hall, R. S.	S.A.	L.M.
8			43 Bunton, C. E.	N.S.W.	Ind.
9 McAuliffe, R. E.	Qld	A.L.P.	44 Cormack, Hon. Sir Magnus, K.B.E.	Vic.	L.P.
10 Devitt, D. M.	Tas.	A.L.P.	45 Durack, P. D.	W.A.	L.P.
11			46 Carrick, J. L.	N.S.W.	L.P.
12 Brown, W. W. C.	Vic.	A.L.P.	47 Bonner, N. T.	Qld	L.P.
13 Keffe, J. B.	Qld	A.L.P.	48 Baume, P. E.	N.S.W.	L.P.
14 Cavanagh, Hon. J. L.	S.A.	A.L.P.	49 Jessop, D. S.	S.A.	L.P.
15 McClelland, Hon. J. R.	N.S.W.	A.L.P.	50 Sim, J. P.	W.A.	L.P.
16			51 Missen, A. J.	Vic.	L.P.
17 Georges, G.	Qld	A.L.P.	52 Bessell, E. J.	Tas.	L.P.
18			53 Chaney, F. M.	W.A.	L.P.
19 Gietzelt, A. T.	N.S.W.	A.L.P.	54 Martin, K. J.	Qld	L.P.
20 McLaren, G. T.	S.A.	A.L.P.	55 Guilfoyle, M. G. C.	Vic.	L.P.
21 Cameron, D. N.	S.A.	A.L.P.	56 Rae, P. E.	Tas.	L.P.
22 Grimes, D. J.	Tas.	A.L.P.	57 Cotton, Hon. R. C.	N.S.W.	L.P.
23 Coleman, R. N.	W.A.	A.L.P.	58 Greenwood, Hon. I. J., Q.C.	Vic.	L.P.
24 Drury, A. J.	S.A.	A.L.P.	59 Wright, Hon. R. C.	Tas.	L.P.
25 Mulvihill, J. A.	N.S.W.	A.L.P.	60 Anderson, Hon. Sir Kenneth, K.B.E.	N.S.W.	L.P.
26 Button, J. N.	Vic.	A.L.P.	61		
27			62 Young, H. W.	S.A.	L.P.
28			63 Wood, I. A. C.	Qld	L.P.
29 Primmer, C. G.	Vic.	A.L.P.	64 Davidson, G. S.	S.A.	L.P.
30 Everett, M. G., Q.C.	Tas.	A.L.P.	65 Marriott, Hon. J. E.	Tas.	L.P.
31 Walsh, P. A.	W.A.	A.L.P.	66 Laucke, C. L.	S.A.	L.P.
32 McIntosh, G. D.	W.A.	A.L.P.			
33 Melzer, J. I.	Vic.	A.L.P.			
34 Withers, R. G.	W.A.	L.P.			
35 Webster, J. J.	Vic.	C.P.			

A.L.P.—Australian Labor Party

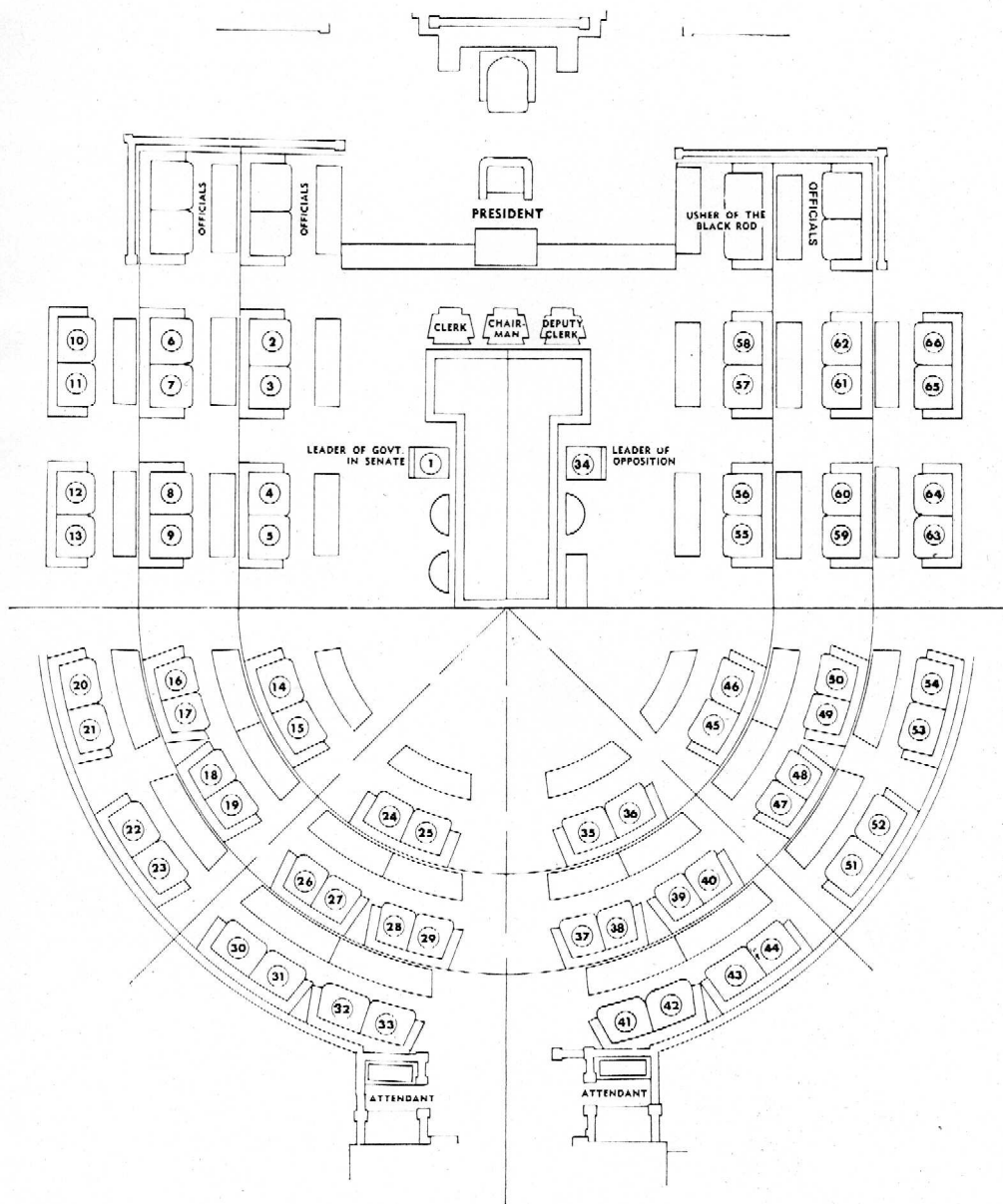
C.P.—National Country Party of Australia

Ind.—Independent

L.M.—Liberal Movement

L.P.—Liberal Party of Australia

SEATING PLAN



AN INTRODUCTION TO THE AUSTRALIAN SENATE

THE sittings of the Senate are always open to the public and visitors are very welcome. Here you will see and hear deliberations by men and women whom you, the electors, have chosen to represent you in the Upper House of the Parliament of the Commonwealth of Australia.

What is the Upper House? What is the Lower House? Why two Houses of Parliament? What are their functions?

The answers begin with an understanding of the federal system of government. Some countries, such as the United Kingdom and New Zealand, are not divided into States; there is no division of powers, and there is only one Parliament. That is known as the **unitary** system of government. On the other hand, countries like Australia and the United States of America have **federal** systems. These countries are divided into States, each with its own Parliament and each exercising certain local powers, such as those relating to transport, power, water and education. In a federal compact, the people of the States, by constitutional act, unite and agree that certain specified matters are more efficiently handled at a national rather than a State level. Thus, the States surrender to a central authority—the Federal Parliament—powers to make laws for the whole of the country with respect to such matters as defence, currency, trade, social services and postal services.

But why two Houses of Parliament in this Federal or central authority? It is because—

- (1) The States demand protection of their interests. If power were vested in one House elected on a population basis, the less populous States could be dominated, and perhaps their interests injured, by the representatives of the more populous States. Therefore, it is a fundamental feature of the federal system that there should be two Houses—one consisting of members elected in proportion to population (The House of Representatives) and one in which the States are equally represented (The Senate).
- (2) It is the verdict of history that two Houses of Parliament are better than one. Cases can be instanced of Parliaments with only one House, with New Zealand and Queensland being two examples. But these do not relate to federal systems, there are no constituent States to consider and no State interests to safeguard.

In every walk of life—be it medicine, science or day-to-day family problems—the second opinion is sought and valued. So it is in government, where an Upper House acts as a brake on hasty legislation, imposes a period for reflection and, if necessary, makes or suggests amendments to proposed laws.

There is an American legend which neatly describes this universal function of Upper Houses—and it is to be noted that the Australian Senate was largely modelled on the American Senate.

Thomas Jefferson (third President of the United States of America) once asked President Washington at breakfast why he had agreed to a Second Chamber in Congress. According to the story, Washington asked him, 'Why did you pour that tea into your saucer?' 'To cool it', replied Jefferson. 'Just so', said Washington, 'we pour House legislation into the senatorial saucer to cool it'.

Why is the Senate at times referred to as the 'Upper House'? The answer lies in English history. The expression arose because, at the original separation of the two Houses in England, the Lords were pre-eminent in power and prestige over the Knights of the Shire and Burgesses.

The Senate, being equally representative of the six States of Australia, has 10 Senators for each State, making a total of 60 members. The House of Representatives, on the other hand, has 127 members, including the 3 territory members (Australian Capital Territory 2, and the Northern Territory 1). This reflects the Constitutional requirement, known as the 2 to 1 ratio, that the number of members of the House of Representatives 'shall be, as nearly as practicable, twice the number of the senators'.

Senators are elected for a term of six years, half retiring on 30 June each third year. Thus only 30 Senators are chosen at each periodical election. When possible, Senate elections are held concurrently with elections for the members of the House of Representatives, whose term of office is limited to three years.

It follows that the rotation of Senators each third year provides the Senate with a different reflection of electoral opinion to that of the House of Representatives, which reflects in its entirety the most recent political view of the people. This arrangement is well-founded because it recognises, and gives expression to, the different responsibilities of the two Houses. For its part, the House of Representatives, reflecting current opinion, determines who shall govern. That is to say, the party, or coalition of parties, commanding a majority in the House of Representatives becomes the Government party, and the minority party the Opposition. But parties and their numbers in the Senate play no part in determining the Government group. The Senate is there as trustee of the interests of the States, to review the Government's law-making proposals, and to provide the checks and balances of the federal structure of Government.

Senators are elected by universal suffrage under a system known as proportional representation. Voting by adults is compulsory and voters are required to mark their preferences (1, 2, etc.) on the ballot paper for all the candidates. To be elected, a candidate must gain a certain quota of votes. This quota is determined by dividing the total number of valid first preference votes in each State by one more than the number to be elected and adding one to the figure so arrived at. Thus, if the total first preference votes in a State at an election for five Senators is 600,000, the quota is 100,001. If an elected candidate polls more than the quota, his surplus votes

are transferred to the continuing candidates pursuant to the preferences marked on the ballot papers. As other candidates are elected, their surplus votes are likewise transferred. If, then, the required number of candidates has not been elected, the process begins of excluding, in turn, the candidate with the lowest number of votes, and distributing his preferences, until the required number has been elected by gaining the necessary quota.

A casual vacancy in the Senate, that is, a vacancy caused by the death or resignation of a Senator before the expiration of his term, is filled by the Parliament of the State concerned choosing another person to hold the place for the remainder of the term, or until the next election for the Senate or the House of Representatives, whichever first happens.

Senators elect their own President, who must be one of their number. He is in charge of the conduct of business. To ensure that the States have equal voting strength, the President exercises a deliberative, and not a casting, vote.

The arrangement of Senators' seating is the same as in the House of Representatives. Members supporting the Government sit on the President's right and Opposition Senators on his left. This arrangement of members of opposing Parties might suggest that the Senate duplicates the performance of the House of Representatives. The Senate does not do that. It is true that, in the consideration of Bills where State interests are not threatened, the Senate broadly follows the Party line. But while Parties may be necessary to give stability to a legislature, it is true to say that the Party system has not crushed the independence of mind of Senators. Sometimes the Party line has flaws which are found by the second opinion Chamber, assisted in that exercise by its more deliberate procedures. Second thoughts are usually better, political thoughts no less than any other, and the Senate is the second thought of the nation. So far as its States House function is concerned, the Senate's very existence operates to dissuade the initiation of Government proposals harmful to the interests of any particular State or States. It is only when the interests of the States are in fact threatened that there is any call for the Senate to divide as a States House. And this happens. As a simple example, in 1939 a Gold Tax Bill was introduced by the Government to impose a tax on gold; the Bill was negatived in the Senate, Western Australian Senators objecting to the measure on the ground that the proposal would retard the expansion of the gold-mining industry in Western Australia. A second Gold Tax Bill was subsequently introduced and passed into law; under this second Bill, the tax was reduced. While gold attracts the attention of Western Australian Senators, in South Australia it is the River Murray water, which is that State's life-blood. In 1958, South Australian Senators ensured that the interests of their State were protected when they caused to be written into the Snowy Mountains Hydro-electric Power Bill an amendment to safeguard South Australia's rights to its share of the River Murray water.

The Senate's record on tariff matters provides other examples of the exercise of its States House function. Indeed, the division lists in connection

with tariff, which traditionally has always been a free vote, contain numerous examples of Senators voting, not as Parties, but according to their personal judgment or State representation.

The rules of Senate procedure are designed to facilitate its function as a House of Review. Business is conducted more deliberately than in the Lower House and more time is allowed Senators speaking in debate. For example, in discussing the principle of a Bill at the second reading stage, a Senator may speak for one hour, but a member of the House of Representatives is allowed only 20 minutes. Then again, in the Committee stage of a Bill when the details may be considered clause by clause, Senators have unlimited opportunities to speak, for 15 minutes at any one time, compared with two opportunities, of 10 minutes each, available to a member of the House of Representatives. Another rule which safeguards the exercise of the reviewing function of the Upper House is that, when a Senator has the floor, he holds it until the expiration of his time. In contrast, a member of the House of Representatives may be 'gagged'—i.e., interrupted by another member moving that the Question be put—or by motion that he be not further heard.

To further assist the Upper House in the discharge of its reviewing function, and to strengthen the parliamentary system of government, the Senate in 1970 embarked on the establishment of a comprehensive committee system, comprising Estimates Committees and Legislative and General Purpose Standing Committees. The committee system is explained in a separate brochure entitled 'Senate Committees'.

Formal Openings of Parliament are held in the Senate Chamber. On the day appointed for the commencement of a new session of Parliament, the Governor-General attends in the Senate. The members of the House of Representatives are summoned and, to the members of both Houses, the Governor-General declares the cause of his calling the Parliament together. This is called the Opening Speech and is prepared by the Government. The speech reviews the national and international scene and outlines the Government's legislative programme for the session. After the Opening Speech, the members of the House of Representatives return to their own Chamber and each House proceeds with its independent consideration of the Speech. On 15 February 1954, the Parliament for the first time was opened in person by Her Majesty Queen Elizabeth the Second, and again on 28 February 1974.

In the Australian Federal Parliament, both Houses have equal legislative powers, except in financial matters. Bills (that is, proposed laws) may originate in either House and each House may make amendments to Bills sent to it. When both Houses finally agree on the form of a law, it is presented to the Governor-General for assent. So far as money Bills (that is, taxing and spending Bills) are concerned, these may only be originated in the House of Representatives. While the Senate's powers of amendment of money Bills are subject to certain restrictions, it may nevertheless veto a money Bill or any other Bill.

Any Senator or member of the House of Representatives may introduce Bills, but nearly all legislation is sponsored by the Government. Most Bills originate in the House of Representatives for the reason that the Government is centred in that House and, as indicated, it has the exclusive right of initiation of financial proposals. Moreover, a traditional function of an Upper House, in this case the Senate, is that of giving a second opinion—hence the expression ‘Second Chamber’, commonly in use.

The most important matter for consideration each year is the Budget, which is a statement of the nation’s expected income and expenditure. Control of expenditure is Parliament’s greatest power. It is a power enshrined in the Constitution, which by section 83 provides that ‘No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law’.

Parliament having made the laws, financial and non-financial, the administration of those laws is the responsibility of the Executive Government, or Ministry as it is known.

All members of the Ministry—that is, the 27 Ministers of State who administer Commonwealth Departments and activities—must be either Senators or members of the House of Representatives. As at 1974, 20 of the Ministers are members of the House of Representatives and 7 are Senators. Except for a short term in 1968 when Senator John Gorton was appointed Prime Minister and before he was elected to the House of Representatives, the Prime Minister has always been a member of the House of Representatives.

Ministers are responsible to the Parliament for their actions. This is known as the British cabinet system of responsible government, the characteristics of which include the appointment by the Crown of a member of Parliament as Prime Minister to form a Ministry from the Parliament to carry on the Executive Government of the country; the possession by that Ministry of the confidence of the national or people’s House or of that Chamber which has the initiation and control of supplies (the House of Representatives); the collective responsibility of the Ministry; the Ministry to have a common policy; and the resignation of the Prime Minister to involve the resignation of the Ministry. In that constitutional doctrine, the supremacy of Parliament is clear.

Finally, it is to be remembered that the Constitution provides that Parliament shall consist of the Queen, the Senate and the House of Representatives. In that trinity, the Senate’s prime functions are to safeguard the interests of the States in the federal system of government and to discharge the important role of a House of Review.

Above all, Parliament is the embodiment of the noble principles which govern our way of life—free elections, freedom of speech and of religion, and the rule of law.